

From: [Fugh, Justina](#)
To: [Giles, Cynthia](#)
Cc: [Griffo, Shannon](#)
Subject: Approval of outside activity approval request (revised)
Date: Thursday, December 15, 2022 6:38:08 PM
Attachments: [Amended outside activity approval request ELI.docx](#)

REVISED RESPONSE

Cynthia,

I have received your amended request to engage in uncompensated outside activity for two events, both of which have connections to the Environmental Law Institute, which is a prohibited source of EPA. That said, you have been asked to participate in your personal capacity only. This advice replaces the advice provided earlier today that addressed only one of the events. You have been invited to speak about your book, *Next Generation Compliance: Environmental Regulation for the Modern Era*, published by Oxford University Press in two separate one-hour webinars, one for the Environmental Law Institute for the International Network for Environmental Compliance and Enforcement (INECE) and another for Vanderbilt University, possibly sponsored or co-sponsored by ELI. You will not be compensated for this webinar, and you intend to take annual leave for the presentation if it occurs during usual working hours.

Based on the information you provided, I am approving your requests to speak about your book at these two webinars. Please do not use nor allow the use of your EPA affiliation solely in connection with the outside activity. You may either refrain from mentioning your current EPA position entirely or, if you include it, then be sure to also mention at least two other significant biographical details with EPA not having any undue prominence, and please include a disclaimer that makes clear that you are not representing EPA.

Happy holidays!

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 | phone 202-564-1786

Send general ethics questions to ethics@epa.gov and someone will get back to you.

From: Giles, Cynthia <Giles.Cynthia@epa.gov>
Sent: Thursday, December 15, 2022 3:06 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Outside activity approval request

I am submitting an amended outside activity request, to add an additional ELI-related event that just came up. I had talked to Vanderbilt about a talk, which would have been covered by the prior academic talks approval you gave, but the ELI connection for that event is new. Please substitute this request for the one I sent yesterday.

From: Giles, Cynthia
Sent: Wednesday, December 14, 2022 2:13 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Outside activity approval request

Attached please find a request for approval of an outside activity to participate in a webinar produced by ELI for the International Network for Environmental Compliance and Enforcement.

Thank you - Cynthia

Amended outside activity approval request – I am amending the prior request to add another ELI related event that just came up today.

Date: December 15, 2022

Requestor: Cynthia Giles, Senior Advisor, Office of Air and Radiation

Nature of the outside activity: two separate speaking engagements, both involving ELI:

1. A 60-minute webinar produced by the Environmental Law Institute for the International Network for Environmental Compliance and Enforcement (INECE). INECE is primarily funded by EPA and its primary membership is environmental agencies and NGOs interested in environmental enforcement around the world. ELI also generally makes the webinars available to its mailing list. The webinar would be about my book: *Next Generation Compliance: Environmental Regulation for the Modern Era*, published by Oxford University Press. There will be no compensation for this activity.
2. A 60-minute webinar at Vanderbilt University Law School, co-sponsored by ELI, also about the book. I am not sure what part of ELI might be the co-sponsor: they are discussing it being ELI overall, the Environmental Law and Policy Annual Review (a collaboration between ELI and Vanderbilt Law School), and/or and ELI managed Local Government Environmental Assistance Network (which they say is an EPA network that ELI manages. I am not sure exactly what this is.) Part of my reason for asking is to understand which of these ELI options might be OK and which not. There will be no compensation for this activity.

Name of the organization for which the work will be done:

1. the Environmental Law Institute, which is organizing the webinar for the International Network for Environmental Compliance and Enforcement.
2. Vanderbilt University School of Law, co-sponsored by ELI.

Estimated time to devote to the activity: one hour each.

Outside of duty hours: These events are likely to be within work hours, although that is not certain. I expect to take vacation time to participate in these events. I would conduct these virtual sessions from my home, rather than from the office. I would not schedule these events in a way that would interfere with performance of my work duties.

No official duty time or Government property, resources, or facilities will be used in connection with these events.

I have read and am familiar with and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities") and 5 CFR sec. 6401.103 (EPA's Supplemental Regulations).

EPA provides financial support to INECE, I believe through ELI, as described above. Based on past practice I think that this financial support comes through OECA, and that OAR is not involved. I don't know about any other financial relationships between ELI and EPA. I am not aware of any financial relationship between Vanderbilt University and EPA.

From: [Fugh, Justina](#)
To: [Giles, Cynthia](#)
Cc: [Griffo, Shannon](#)
Subject: Approval of outside activity request
Date: Thursday, December 15, 2022 6:25:34 PM

Cynthia,

I have received your request to speak to at a 60-minute webinar produced by the Environmental Law Institute for the International Network for Environmental Compliance and Enforcement (INECE). Because INECE is primarily funded by EPA, it is a prohibited source of the agency. You have been asked to discuss your book, *Next Generation Compliance: Environmental Regulation for the Modern Era*, published by Oxford University Press. You will not be compensated for this webinar, and you intend to take annual leave for the presentation if it occurs during usual working hours.

Based on the information you provided, I am approving your request to speak about your book at this webinar. Please do not use nor allow the use of your EPA affiliation solely in connection with the outside activity. You may either refrain from mentioning your current EPA position entirely or, if you include it, then be sure to also mention at least two other significant biographical details with EPA not having any undue prominence, and please include a disclaimer that makes clear that you are not representing EPA.

Wishing you a happy and healthy holiday season,
Justina

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Thank you - Cynthia